

LEGAL DOUBTS OF RAINES LIQUOR LAW.

Justice Pryor Admits That He Has Them, but Declines to Pass Upon It.

Brewers Determined to Get an Early Decision Upon Its Constitutionality.

CLUBMEN DECIDE TO MAKE A FIGHT.

Ex-Postmaster Van Cott Said to Be Slated for the State Excise Commissioner-ship—Losses the Brewing Interest May Sustain.

Justice Roger A. Pryor, in Special Term of the Supreme Court, yesterday, declined to pass upon the constitutionality of the Raines Liquor law. In this connection Justice Pryor said:

"It is obvious that the interests of the State require the prompt decision of this problem. There should be as speedy and authoritative a decision upon the constitutionality of this bill as possible. I have nothing to do with the policy of the statute. I am bound in deference to assume, and do assume, that this bill is the effect of a disinterested patriotic spirit, animated and emanating from the Legislature. I am bound to assume, and I do assume, that it is a politic measure instrumental to the public welfare. If it be found that the Legislature violated the Constitution when that question is presented in due form, and a decision is necessary to the disposition of the case in litigation, it is within the power and duty of the humblest tribunal of the land—a justice of the peace—to pass upon the constitutionality of the act of the Legislature or of the Congress of the United States.

HE HAS DOUBTS.

"In disposing of a question of such grave importance as this, the Court must start with the presumption of law that the act is in conformity with the Constitution, and is valid. Before the Court can come to the conclusion that an act of the Legislature is invalid and repugnant to the Constitution, that repugnance must be obvious and incontrovertible. If I have a doubt about the constitutionality of the act, it is my duty to hold that doubt in favor of the constitutionality of the act.

"I have a doubt about the matter—a reasonable doubt—and, having that doubt, I cannot declare this enactment, which was passed after great criticism upon the Legislature, to be unconstitutional. I know no party sitting here. I can give heed to no partisan consideration. I cannot assume that a party dominant in the Legislature has deliberately overridden the safeguards and limitations of the Constitution of this State.

Having this doubt as to a conflict between the enactment in question and the Constitution of the State, I cannot pronounce this enactment to be invalid because of any violation of the Constitution. The writ must be quashed and the proceedings dismissed."

TO FORCE A DECISION.

This opinion was uttered by Justice Pryor in deciding upon a writ of certiorari to review the action of the Excise Commissioners in refusing on Monday last to renew the license for the saloon No. 61 Beekman street, the present lessee of which is Frederick G. Elmsfeld. The Commissioners reported that Elmsfeld was a man of good character and that the place was in every way fitted for a saloon, but that in view of the new Liquor Tax law, better known as the Raines bill, they could not issue a license for a period beyond April 30 next. Elmsfeld went before Justice Beekman in Special Term, Part II, of the Supreme Court on Tuesday and obtained the writ. Justice Beekman made the writ returnable before Justice Pryor yesterday, and the matter came up for argument the first thing in the morning.

Mr. Entenmyer, who appears for the brewers, said he did not expect His Honor to pass upon the constitutionality of the act. All he wanted was to get a formal decision from Justice Pryor on which he could take the matter to the Appellate Division of the Supreme Court, from which he said he would probably get a decision in about ten days. After that, he said, the question would go directly to the Court of Appeals in order to get a final decision upon the constitutionality of the bill before April 30 if possible.

EXCISE BOARD'S POWERS.

The Appellate Division of the Supreme Court recently handed down a decision in the case of the People ex. rel. Julius Schulz vs. Murray et al., in which they upheld the action of the Commissioners of Excise, and set aside the findings of Judge Gildersleeve. On March 26, 1895, Julius Schulz applied to the Excise Board for a hotel license for the premises No. 319 Bowers, which had previously been licensed as a hotel, and was kept by Joseph Hirschhorn. The license was revoked on the ground that the place was disorderly, and when Schulz applied for a new license it was refused, although he proved that he was a man of good character. Judge Gildersleeve, then sitting in the Superior Court, granted him a writ of certiorari, and on the hearing the Commissioners were ordered to issue to Schulz the license applied for. Before the case was over Schulz got his license, but the Commissioners appealed to the Appellate Division of the Supreme Court. Justice Patterson read the decision in the case last week, reversing the action of the lower court.

Julius Mayer, attorney for the Excise Board, contends that this decision, if the question is carried further and upheld, will dampen the hopes of a great many dive keepers, whose licenses have already been revoked by the Excise Board, and who had expected to be able to procure licenses under the new Raines law.

PROTEST FROM CLUBMEN.

Representatives of various social clubs met at the Arion Society's Clubhouse on East Fifty-ninth street, last night, and registered a decidedly vigorous protest against the Raines law. The meeting was called for the purpose of discussing the act in general, and that part in particular which relates to clubs, and to decide what steps could be taken to relieve the clubs of some of its onerous provisions.

President Katzenmeyer, of the Arion, called the meeting to order, and Frank R. Lawrence, president of the Harlem Club, was selected chairman.

The Manhattan Club was represented by John Van Clyn, the Colon Cerveantes, by A. Martinez, the Columbian by C. Sichel, the Helmsbund by Hugo Janson, the New York Athletic by T. S. Watson, the Lotus by F. T. Murray, and D. B. Siskies, the Schorner by H. C. Schroeder, the Press Club by Fred Hemming, the Holland by Forman T. Nott, the New York Club by



THE PROSPECT IN STORE FOR OUR HAYSEED FRIENDS NEXT TIME THEY COME DOWN TO TOWN.

Carl Eellinger, the Circle Francaise de l'Harmonie by J. Well, the Fidele by J. M. Klein, the Central Turn Verein by W. Hennebor, and J. W. Kaebe, the Seventh Regiment Club by W. C. Palmer, the Harlem Club by James H. Taylor, and the Union League by J. R. Van Wornor.

The part of the law most objectionable to the clubmen is that section which authorizes a deputy commissioner or agent to enter a clubhouse at any time to investigate the selling of liquor. The Arion's members are especially opposed to this portion of the new law, as they frequently have fetes at which the presence of a deputy commissioner or agent would be decidedly disagreeable.

A committee of nine was appointed to consider what future action should be taken and to consult counsel with a view of having drafted an amendment to the law which will relieve the clubs of the hardships the present measure will inflict.

OTHER CONFERENCES SOON.

The committee is also authorized to confer with the clubs that were not represented last night, and request them to send a delegate to the next meeting, which will probably be held on Monday evening. President Katzenmeyer, of the Arion, said that the new law, if enforced, would deprive all the clubs of the privacy they have enjoyed, and will compel them to procure a hotel license. The latter feature will necessitate the fitting up of bedrooms, and then the question would arise as to whether they could refuse to accommodate to any one who would demand them, be the individual a member or not.

The members of the various German clubs, he said, were accustomed to visit their clubhouses on Sundays and drink their beer. The new law would put a stop to that, as well as cut down the revenues of many of the smaller clubs.

The gentlemen appointed to suggest measures of relief and report their conclusions at the next meeting are: J. F. Van Wornor, of the Union League; W. B. Birkhard, of the Arion; F. T. Murray, of the Lotus; B. S. Weeks, of the New York Athletic; H. C. Schroeder, of the Schorner; J. H. Taylor, of the Harlem; A. Martinez, of the Columbia, and A. Durban, of the Circle Francaise de l'Harmonie.

HARD ON THE BREWERS.

One phase of the new law, which causes much opposition to it, is that fully \$5,000,000 will be lost to the brewers and liquor dealers of this city, who have advanced money to saloon keepers and taken the security mortgages on the liquor fixtures and assignments of the license. The amount of money invested in saloons which will probably be forced out of business is estimated at fully the above sum, and this, it is said, will prove a total loss. Concerning this Excise Commissioner Julius Harburger said last night:

"It is a financial war the brewers will be the ones most affected. In the new law no provision is made as to the protection that has existed in the Excise Department when brewers have advanced large sums to licensed places and taken as security mortgages and assignments of the license. In my opinion millions of dollars will be lost by the Raines bill becoming a law, as brewers have advanced the money and cannot get any return. More than four thousand saloons will be closed by the new law, and when these go out of existence the brewers will lose all the money they have advanced on them. That the new law was very carefully drawn is shown by the fact that it will be a physical impossibility for the Deputy Commissioner to transact his business according to law. The law provides that all tax certificates, which are the place of the present license, shall be issued on June 30. On that day more than seven thousand persons will apply. It is necessary that the request of each one of these persons be investigated. It will require six months to properly do this work, yet the law requires that it be done in one day."

FREE LUNCHES JUST NOW.

But When the Raines Law Takes Effect Snacks Will Cost a Trifle in All the Saloons.

Some mean jokers spread the rumor all over town yesterday that Chief Conlin had taken time by the forelock and ordered raids on all the free lunches in the saloons, under that provision of the new Raines law which prohibits saloon keepers from giving away food with drinks.

It was a cruel hoax, but many a Weary Willie hustled around to get a farewell snack. Chief Conlin said he would do nothing in the matter until the law should go into effect. All the saloons had their same old spreads laid out.

P. J. O'Keefe, Secretary of the Retail Liquor Dealers' Association, said yesterday that the five hundred of this city alone cost from \$30,000 to \$50,000 per day. There are several large firms who make a specialty of furnishing the lunch to the saloons, and they have built up a large trade. The Raines law will drive these people out of business.

Mr. O'Keefe said he thought this provision of the new law was in many respects the worst one, and it was inserted at the solicitation of the Board of Health. The enforcement in the cost of licenses would be more than offset by the abolition of the free lunch. The members of the association have decided to make the best of the situation, and will give away no more lunches when the law goes into effect.

PLATT PUNISHES MCKINLEY REBELS.

Orders the Greater City Bill to Pass To-day to Vex Brooklyn Republicans.

Holds Wurster and Willis Responsible for the Revolt Against Governor Morton.

EMBITTERED AGAINST THE OHIOAN.

Conference May Take Place Among All the Leaders Opposed to McKinley's Candidacy—Views of Millholland and Others.

The Greater New York Bill will pass the Assembly to-day in its present shape as a punishment to the Klags County Republicans for their support of McKinley in the convention, the machine leaders said last night.

Eighty-five of the 100 votes cast for the McKinley amendment were those of delegates from this city, Brooklyn and Buffalo. Mr. Platt blames Mayor Wurster and Public Works Commissioner Willis for the outbreak of the Brooklyn men. The Worth delegation supported the organization. The Brooklyn-Republicans will probably find it difficult to get any further legislation at Albany this session.

Mr. Platt arose early yesterday morning. He had arranged to meet a number of the prominent rural delegates to his convention before their departure for home or for the halls of legislation at Albany.

As early as 8:30 o'clock he was receiving visits in his room at the Fifth Avenue Hotel from Republican statesmen. He appeared to be in the best of spirits, and the McKinley demonstration had evidently not disturbed his political peace of mind. If the spectacular performance of the McKinley boomers has had any effect upon him, it has embittered him the more against the Ohio candidate. Mr. Platt's closest lieutenants are vowing that he has decided to begin at once an aggressive campaign that will reach into other States. He sent a number of dispatches during the forenoon, and it is understood that they went to leaders who have entered candidates in the big race against McKinley. Perhaps a conference between Platt, Manley, Quay and Clarkson is being arranged.

SAYS SHOOTERS WERE HIRED.

Chairman Hackett, of the machine State Committee, thinks that the action of the McKinleyites will have a reactionary effect. He says that the shooters were hired for the occasion.

"We will send firmer than ever," he continued, "and if any of the delegates were inclined to declare for McKinley as a second choice, the disgraceful procedure of the McKinley boomers will keep them in line for the candidate of the Republican party of the State of New York."

Speaker Flah has an idea that the McKinley boomers have injured their candidate. "McKinley's chances for becoming the second choice of New York have been ruined," he said. "But think of it. The resolution to substitute two delegates in place of Mr. Platt and Mr. Lauterbach, and to instruct the New York delegation to vote for McKinley, after our complimentary ballot for Governor Morton received only 109 votes out of 740. This shows Governor Morton's popularity."

John E. Millholland, the Platt balter, is getting the credit of arranging the McKinley demonstration at the convention. He was happy yesterday.

"If the delegates had been permitted to exercise their own individual judgment," said Millholland last evening, "McKinley would have swept the convention. Dozens and dozens of the delegates told me that they were for McKinley, but were forced to support Morton. In fact, McKinley was the choice of more than two-thirds of the delegates. There is no use denying the fact that the sentiment of the Republicans of the State of New York is overwhelmingly in favor of McKinley's nomination."

DELEGATES GOING HOME.

The delegates hurried to their homes. Crowds of them left on the midnight trains Tuesday. Those who remained in the city took a "night off."

Chairman Charles W. Hackett, of the Republican State Committee, was forced to remain in his room all day yesterday, upon the advice of his physician. Mr. Hackett has been suffering from a severe cold for several days and got up out of bed to call the State Convention to order, despite the orders of his physician, who warned him that such a step might be attended with fatal results.

T. St. John Gaffney, an ardent McKinley

man, and a follower of Millholland, was the man who waved the McKinley banner on Tuesday night immediately after the presentation of the Fitch resolution. With him at the time were Chester Southworth, William G. Huber, ex-Alderman James G. McMurray and Major J. R. McKelvey, all Millhollandites. A man named Schwartzler, one of Lauterbach's lieutenants in the Twenty-ninth Assembly district, captured part of the banner.

The gossamers at the Fifth Avenue Hotel are now devoting the best part of their time to selecting a State Excise Commissioner and the Special Deputy for this city. According to their figuring John F. Parkhurst, of Bath, will be the Commissioner, and ex-Police Commissioner Charles H. Murray will be the New York deputy. There are a host of applicants for the special agencies.

MEDAL FOR THE MAYOR.

It is of Silver and Will Admit Him to All National League Baseball Games.

Mayor Strong yesterday received from President Andrew Freedman, of the New York Baseball Club, a silver medal which will serve as a pass for His Honor to all the games that will be played by the National League clubs during the coming season. The medal is about the size of a half dollar and is attached to a silken cord. One side bears the name of the local club and the words, "Baseball parks," while in the center is engraved a baseball and bat. The other side bears the following inscription:

"To the Hon. William L. Strong, Mayor of New York. Compliments of Andrew Freedman."

The medal was in a handsome plush case. The Mayor accepted the medal and sent his thanks to Mr. Freedman, and expressed the hope that he would be able to attend some of the games at the Polo Grounds. The Mayor has been a baseball enthusiast ever since he implied that famous game between the Aldermen of Mount Vernon and New York last year.

Among the others who received badges were Governor Morton, David B. Hill, Peter F. Mayer, John A. McCall, United States Senator Murphy, Simon H. Stern, Richard Croker and Frank McKee. Mr. Croker's badge was sent to him in England.

English Covert Coats \$15.

You wouldn't go to an iron foundry to buy a watch. There's just as much reason why you should go to the best place to get proper clothes. Covert Coats originated in England. Nowhere else are they made fully up to the English Style. That's why we have them made abroad. There's more difference than you'd think. Price \$15.

E O THOMPSON
245 Broadway
Opposite City Hall Park—Corner Murray St. 140

West 14th St.
1755
1807
TRADE MARK
"RELIABLE"
CARPETS
ARMENIAN RUGS.
The "Discipline of the Armenians"

Has forced the once well-to-do people to part with the choicest possessions to keep from actual starvation. We have endeavored to aid them by turning into cash the rugs not seized by the Inhuman Turks. These rugs have the velvet texture and the rich, subdued colors that only age and use can give. Most of them show beautiful designs and elaborate workmanship. We have them in great quantities and offer them at extremely low prices in order to still assist the survivors of the late massacres.

EXHIBITION OF SPRING FURNITURE.
CASH OR CREDIT
OWPERTHWAIT & CO.
104, 106 and 108 West 14th St.
NEAR 6TH AV.
Brooklyn Stores: Flatbush Av. near Fulton St.

MYSTERIOUS SUICIDE OF F. H. CASTLEMAN.

Husband of One of the Sutherland Sisters Swallowed Morphine.

He Left Two Vaguely Written Letters, Which Fail to Give a Reason for the Deed.

WAS A WOMAN THE CAUSE OF IT?

Passionate References Made in the Letters to "Dora," Who Was Living with Castleman and His Wife.

Frank H. Castleman, who married one of the seven Sutherland sisters, and who was for years their manager, committed suicide by taking morphine last night at No. 55 West Twenty-fifth street, where he and his wife and sister-in-law had been stopping for ten days. Many curious circumstances surround his death.

Castleman and his wife, accompanied by a woman who is known as Dora Sutherland, but who denies that that is her name, came to New York from the South ten days ago, and took rooms with Mrs. Annie Stein at the address where he died. They stated at the time that they expected to go West in a few weeks.

Mrs. Castleman and Miss Sutherland went out to dinner yesterday alone, as Mr. Castleman was out on business. They returned

late by taking morphine last night at No. 55 West Twenty-fifth street, where he and his wife and sister-in-law had been stopping for ten days. Many curious circumstances surround his death.

The coroner was notified, but Mrs. Castleman asserted that she would not let him touch her husband until she was satisfied that he was dead.

Wagner Car Earnings.

Albany, March 25.—The Wagner Palace Car Company filed with the State Railroad Commission to-day its statement for the quarter ending December 31 last, showing gross earnings of \$815,970, and expenses paid, including all repairs and renewals, \$267,700. The statement covers the operations of the company in twenty States and in the Dominion of Canada.

"I have written a letter to the public and my father. God bless you and Dora, and I cannot say Mrs. Peck. I hate deception. I cannot say 'F. H. C.'"

"I feel too weak to write. There is a friend of mine who understands everything and who will probably see you. Castleman."

The other letter was addressed to no one, and was as follows:

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Attending our opening has induced us to continue our 4 Great Special Bargains another week.

This Elegant Couch in extra heavy striped corduroy, spring edge, wave fringe. 6.98

This Tea Set of Imported China, nicely decorated, 56 pieces. 2.98

4 GREAT SPECIALS FOR Opening Week. 4

EVERYTHING FOR HOUSEKEEPING.

FURNITURE, J. BAUMANN & BRO. CARPETS, OILCLOTHS, CROCKERY, TINWARE, STOVES, PICTURES, CURTAINS, TABLE COVERS, REFRIGERATORS, BABY CARRIAGES, CLOCKS, ETC.

This handsome Brass Figure Lamp, "The Madonna," 1.25

This five-drawer Chiffonier, antique finish, well made, nice trimmings, 4.35

EVERYTHING FOR HOUSEKEEPING.

Furniture, Bedding, Carpets, Oilcloths, Crockery, Tinware, Stoves, Pictures, Curtains, Table Covers, Refrigerators, Baby Carriages, Clocks,